

1		BEFORE THE	
2		ILLINOIS COMMERCE COMMISSION	
3	IN THE MATTER OF:	)	
4	PATRICIA O'DONNELL	)	
5	Complainant;	)	
6	vs.	)	No. 03-0246
7	PEOPLES GAS LIGHT & COKE CO.,	)	
8	Respondent;	)	
9	COMPLAINT as to respondent	)	
10	has threatened to disconnect	)	
11	the gas to my apartment due	)	
12	to bill incurred by a	)	
13	former tenant from February	)	
14	2000 to February 2002 in	)	
15	Chicago, Illinois.	)	
16	Chicago, Illinois		
17	August 19, 2003		
18	Met, pursuant to notice, at 10:00 o'clock a.m.		
19	BEFORE:		
20	MR. JOHN RILEY,		
21	Administrative Law Judge		
22			

1 APPEARANCES:

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4 PITLER & MANDELL, by  
5 MR. SIGI OFFENBACH  
39 South LaSalle Street  
Suite 1220  
6 Chicago, Illinois 60603  
appearing for complainant;

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8 MR. BRIAN MC CARTHY  
130 East Randolph Drive Street  
9 23rd Floor  
Chicago Illinois 60601  
10 appearing for respondent.

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22 SULLIVAN REPORTING COMPANY, by  
Leah Ann Bezin, CSR  
License No. 084-001104

1           JUDGE RILEY: Pursuant to the direction of the  
2           Illinois Commerce Commission, I now call Docket  
3           03-0246.

4                    This is the complaint by  
5           Patricia O'Donnell versus Peoples Gas Light and  
6           Coke Company as to respondent as threatened to  
7           disconnect the gas to my apartment due to a bill  
8           incurred by a former tenant from February 2000 to  
9           February 2002 in Chicago, Illinois.

10                   Counsel for the complainant, would you  
11           enter an appearance or the record.

12           MR. OFFENBACH: Yes.

13                    My name is Sigi Offenbach S-i-g-i,  
14           O-f-f-e-n-b-a-c-h.

15           MR. MC CARTHY: Brian McCarthy for the  
16           respondent, Peoples Gas Light and Coke Company,  
17           130 East Randolph Drive, Chicago, Illinois 60601.

18           JUDGE RILEY: And, Mr. Offenbach, would you  
19           provide an office address, please.

20           MR. OFFENBACH: Yeah. 39 South LaSalle  
21           Suite 1220, Chicago.

22           JUDGE RILEY: Thank you.

1                   Let's go off the record for a minute.

2                   (Whereupon, a discussion was

3                   had off the record.)

4           JUDGE RILEY: We just had a brief discussion

5           off the record. And counsel have agreed that the

6           actual period in question now we are talking

7           about, it's stated in the complaint it was

8           February 2000 to February 2002, but actually it

9           only goes to October 2001 now.

10                  Is that --

11           MR. MC CARTHY: Right. In a sense, you know,

12           yes. I have talked to my people, and they are

13           prepared to eliminate that portion of the bill.

14           JUDGE RILEY: And that's the term of the

15           dispute, then, is what we are talking about now.

16           MR. MC CARTHY: Right.

17           JUDGE RILEY: Then what we need to do is amend

18           the complaint.

19           MR. MC CARTHY: Well, okay. We haven't we

20           haven't taken off -- we haven't done anything to

21           formally take it off the bill at this point.

22           But, you know --

1           MR. OFFENBACH: We have agreed --

2           MR. MC CARTHY: We have sort of -- in terms of

3           trying to work out settlement, I think the

4           parties are narrowing their inquiry.

5           JUDGE RILEY: Okay.

6           MR. MC CARTHY: Let's put it that way.

7           JUDGE RILEY: Then should we leave the

8           complaint as is for now?

9           MR. MC CARTHY: Yeah, I think so.

10          JUDGE RILEY: All right. Then I won't

11          entertain a motion.

12                   Where do we go from here?

13          My question is, are the two sides moving

14          closer?

15          MR. OFFENBACH: Well, we did eliminate a full

16          year off of the complaint. So I think -- I don't

17          know where to get information. I'm really sort

18          of up against a wall.

19          MR. MC CARTHY: I know. Same here.

20          MR. OFFENBACH: And you are too.

21          JUDGE RILEY: And what do you need information

22          on? Let's specify.

1           MR. OFFENBACH: We want to know, get solid  
2 information, something objective from February  
3 2000 until October 2001 --

4           MR. MC CARTHY: That somebody was living  
5 there.

6                     She didn't have leases. So there is a  
7 hole for that. There is no Com Ed. There is no  
8 Peoples Gas records. The Social Security  
9 Administration was only a help during the period  
10 that Raymond Cerny was with James Cerny in the  
11 premises.

12                    And so here is the thing. I mean what  
13 we have, what Peoples Gas is looking at is  
14 tampering. I mean, it was turned off at the end  
15 of Eric Nieto's account period. It was turned on  
16 again and gas was used for a period of February  
17 of 2000 to October of 2001.

18                    Right?

19           MR. OFFENBACH: 2002.

20           MR. MC CARTHY: Well, I'm talking about the  
21 period in dispute --

22           MR. OFFENBACH: Right.

1           MR. MC CARTHY:  -- February of 2000 to October  
2   of 2001.

3           MR. OFFENBACH:  Right.

4           MR. MC CARTHY:  Which is -- we know that  
5   Raymond came in at that point or James Cerny came  
6   in at that point, and from that point on, October  
7   2001 to February 2002.

8           JUDGE RILEY:  Okay.

9           MR. OFFENBACH:  So what we are trying to  
10   do -- you know, we are entitled to go after  
11   anybody who benefited.  And O'Donnell was the  
12   owner of the building.  So we have no tenant or  
13   anybody else who benefited more directly.  We are  
14   going after the owner for that bill.  And we are  
15   trying to find some way of -- objective way of  
16   showing that there was somebody there who  
17   benefited more directly than the owner of the  
18   building.

19          JUDGE RILEY:  Okay.  And that's, again, the  
20   period February 2000 to October 2001?

21          MR. MC CARTHY:  Yeah.

22          JUDGE RILEY:  Okay.  So we have to find who

1       else would be more directly responsible than the  
2       owner for the use of gas.

3       MR. MC CARTHY:   Exactly.   The thing is, we are  
4       allowed to get people benefitting, and, I mean,  
5       it's our position -- in some cases, we have been  
6       able to get people who are owners and who are not  
7       present, obviously, because their building  
8       benefits, you know, in the sense that the  
9       building may not deteriorate and. . .

10       MR. OFFENBACH:   Well, there was definitely a  
11       tenant there, and I -- do you have that  
12       Nieto -- do you have which Nieto that was from  
13       Commonwealth Edison --

14       MR. MC CARTHY:   You know.

15       MR. OFFENBACH:   -- because we have --

16       MR. MC CARTHY:   Oh, Eric Nieto.

17       MR. OFFENBACH:   And what was his term?   So we  
18       have that?

19       MR. MC CARTHY:   Of course, this is without  
20       going into subpoena too, but let me see if I've  
21       got some notes on that.

22       JUDGE RILEY:   So essentially what this is is



1       trying to track people down who lived there and  
2       determine somehow if there is some record that  
3       they actually occupied those premises.

4           MR. MC CARTHY:  Yeah.  I think that's the  
5       thing.

6                       In some ways, we only try so hard when  
7       we have tampering.  You know, we feel that we can  
8       get the owner of the building.  And then if she  
9       wants to, she can go after somebody for that  
10      period too.

11          JUDGE RILEY:  Now, when you say tampering, is  
12      it -- was equipment damaged or was it simply  
13      turned off and then on?

14          MR. MC CARTHY:  It was locked off.  The lock  
15      was broken and turned on.

16          JUDGE RILEY:  Okay.

17          MR. MC CARTHY:  So, yes, equipment was  
18      damaged, and it's tampering anytime anybody  
19      touches our equipment, you know, for the purpose  
20      of -- really, people shouldn't touch our  
21      equipment, and our equipment includes the meter.

22          MR. OFFENBACH:  And we do have evidence that

1 Ms. O'Donnell, you know, the owner was -- you  
2 know, she was in San Francisco during that time.

3 JUDGE RILEY: Right.

4 MR. OFFENBACH: We would know that it's --

5 MR. MC CARTHY: And they have the same.

6 JUDGE RILEY: Now it's Peoples policy,  
7 however, that if they cannot -- if the  
8 complainant cannot establish that someone was  
9 more directly responsible for the gas usage, it's  
10 going to default back to the owner of the  
11 premises?

12 MR. MC CARTHY: Sure. Right.

13 JUDGE RILEY: All right.

14 MR. MC CARTHY: Because somebody benefited.

15 JUDGE RILEY: All right.

16 MR. OFFENBACH: I think we --

17 MR. MC CARTHY: And what are we to do, you  
18 know? We are actually charged with going out and  
19 finding out who benefited and billing them, you  
20 know. It's a duty of ours.

21 MR. OFFENBACH: Right. What do you have as  
22 the dates for Eric Nieto?

1           MR. MC CARTHY: Eric Nieto I have -- well, I  
2           have him ending at 2-4 of 2000. So that's at the  
3           beginning of the other, you know. So February  
4           4th of 2000 of his own volition, you know. In  
5           other words, he requested service be ended.

6           MR. OFFENBACH: What day do you have for his  
7           beginning?

8           MR. MC CARTHY: Yeah, and I'm trying to find  
9           where I have that information.

10          MR. OFFENBACH: Because I think our records  
11          indicate that the son, James Cerny, lived in the  
12          apartment for this period of time. And I think  
13          you have an address on James Cerny also.

14          MR. MC CARTHY: I guess we could try to get  
15          them to admit that they lived there.

16          JUDGE RILEY: When you say this period of  
17          time, we are talking about that --

18          MR. OFFENBACH: This period would be February  
19          2000 through October 2001.

20          JUDGE RILEY: Okay.

21          MR. OFFENBACH: And, apparently, when the  
22          father moved in, he did get the service put on.

1           JUDGE RILEY:   When did Peoples -- was Peoples  
2           able to identify when that lock was broken and  
3           the gas turned on?   Do you have either a date or  
4           a --

5           MR. MC CARTHY:   No.   You can never determine  
6           exactly when.   The presumption is that it was  
7           sometime around or about the time that it was  
8           locked off.

9                       But, you know, in the end, we have  
10          to -- we just use that as the start date,  
11          basically.   That's how we deal with it.   Because,  
12          let's put it this way, in February, somebody's  
13          got to have heat.   It helps that it's in the  
14          winter in this case.

15          MR. OFFENBACH:   Now, wait.   When do you have  
16          Nieto turning off the service?

17          MR. MC CARTHY:   February 4, 2000.

18          MR. OFFENBACH:   Oh, February 4th.

19          MR. MC CARTHY:   Yeah.

20          MR. OFFENBACH:   I thought you said October 4.

21          MR. MC CARTHY:   No.

22          MR. OFFENBACH:   February.

1           MR. MC CARTHY:  And I don't know -- I can't  
2           find my notes right now on when he got in.

3                     You know, I'm worried that my other  
4           hearing -- they want to do something just very  
5           quick, set up a schedule date and move on.  Is  
6           there any chance that we can just hold this for a  
7           minute while I check on that?

8           JUDGE RILEY:  Any objection to that?

9           MR. OFFENBACH:  No.

10          JUDGE RILEY:  Okay.  A couple minutes would be  
11          fine.

12                     (Whereupon, a recess was  
13                     taken.)

14          JUDGE RILEY:  Okay.  Let's go back on the  
15          record.

16                     Where do we go from here?  We just  
17          need -- the parties just need more time?

18          MR. MC CARTHY:  I don't know what to do.

19          MR. OFFENBACH:  Well, how about the  
20          Commonwealth Edison?  Do we have any Commonwealth  
21          Edison statements from that period?  Should we  
22          subpoena Commonwealth Edison?

1           MR. MC CARTHY: We could subpoena Commonwealth  
2 Edison. I think what they told me -- what I had  
3 heard from our guys who had checked with them was  
4 that -- is what I told you. And I don't have my  
5 notes. I'm trying to find my notes in this pile  
6 of papers here.

7                   But that Com Ed had showed at least that  
8 Raymond Cerny was in there, and that what I  
9 recollect about it, although I'm not seeing it  
10 here, is that nobody was in there before that  
11 time. Because we were interested in finding out  
12 who was in there before that time from them.

13                   But they had the same sort of situation  
14 we did except that they had -- we never had  
15 Raymond Cerny. We never had anybody during the  
16 period in question. So we were kind of going on  
17 their word. And now the Social Security  
18 Administration matches up exactly with Com Ed's  
19 records.

20           MR. OFFENBACH: I think James Cerny was there  
21 before. So maybe I can -- we could try to --

22           MR. MC CARTHY: Well, we could try and get

1       ahold of James Cerny. I don't know who he would  
2       respond to better, you know.

3               In other words, if Peoples Gas comes at  
4       him, and we are -- we may be looking -- you know,  
5       he'll be thinking creditor.

6       JUDGE RILEY: That's exactly my take on this.

7       MR. MC CARTHY: It would think he's going to  
8       be very negative --

9       JUDGE RILEY: Yes.

10       MR. MC CARTHY: -- in response.

11               I don't know if he skipped out on rent.

12       MR. OFFENBACH: Well, apparently he did for a  
13       little bit. But I think James Cerny is the key.

14       JUDGE RILEY: And that's the -- that's the  
15       son?

16       MR. OFFENBACH: Yes. Right.

17       JUDGE RILEY: Okay.

18       MR. OFFENBACH: And he was the actual tenant.

19       JUDGE RILEY: Now, do you know where he is at  
20       this time?

21       MR. OFFENBACH: I think I know where the  
22       father is. I think he said that --

1           MR. MC CARTHY: Through SSA, yeah.

2           MR. OFFENBACH: I think the -- I think we have  
3           some -- I think he was in Park Ridge, I think. I  
4           remember some -- maybe if we can track him down,  
5           I believe he was the one there. And I'm going to  
6           confirm that.

7                     And I think maybe a subpoena for  
8           Commonwealth Edison, because Commonwealth Edison,  
9           you just can't turn the electricity on and off.

10                    Oh, of course you can switch to somebody  
11           else's meter.

12           MR. MC CARTHY: What they do -- you know, they  
13           probably treat it like we do in some cases, which  
14           is, you know, they may not go out there and turn  
15           it off, or whatever. But, you know, like, in  
16           other words, if they had Eric Nieto like we did,  
17           and I think they may have, that was my  
18           understanding, that if he asked for his service  
19           to be turned off, yeah, they either actually go  
20           out there like we did and actually go out and  
21           turn off the electric flow, or, like we did, turn  
22           off the gas flow and lock it, or they just let it



1       run but take his name off the account, you know  
2       what I mean, which is called soft close, you  
3       know, figuring that some other tenant is going to  
4       come in within the next couple of days and say, I  
5       want service, so why go out there.

6               We could subpoena their records on that  
7       in the meantime.

8       MR. OFFENBACH: I think that might be somewhat  
9       useful.

10       JUDGE RILEY: Okay. How long do you think it  
11       will take?

12       MR. MC CARTHY: It's at least a month because  
13       it takes a week -- you know, first of all, you do  
14       an application for a subpoena.

15       MR. OFFENBACH: You know how to do that,  
16       right?

17       MR. MC CARTHY: Yeah.

18       MR. OFFENBACH: Okay. I have never done that.  
19       I could do that in the state court but --

20       MR. MC CARTHY: That's all right. I guess I  
21       can do it.

22               You do an application for a subpoena.

1       Then what they do, then, in a week, they have  
2       to -- somebody has to object if they are going to  
3       object. If they don't, then it's up to the  
4       Commission's discretion whether they grant the  
5       application and issue the subpoena.

6           JUDGE RILEY: Okay.

7           MR. MC CARTHY: And then the  
8       subpoena-receiving party --

9           JUDGE RILEY: Right.

10          MR. MC CARTHY: -- gets 28 days to respond --

11          JUDGE RILEY: Okay.

12          MR. MC CARTHY: -- to a subpoena generally.

13                 So you are talking awhile. Usually  
14       Com Ed's -- they are actually pretty funny. I  
15       did it to them once and they -- and again, they  
16       treated the application for a subpoena as a  
17       subpoena. Because you are supposed to notify  
18       them of the application, and they just responded  
19       to the application.

20          JUDGE RILEY: This isn't pursuant to the Right  
21       of Financial Privacy Act, is it? These aren't  
22       RFPA subpoenas?

1           MR. MC CARTHY: No. These would just  
2           be -- they would be Commission subpoenas.  
3           JUDGE RILEY: All right.  
4           MR. MC CARTHY: Commission issued subpoenas.  
5           So, actually, you -- I don't know whether the  
6           Commission goes to you and says --  
7           JUDGE RILEY: I'd have to check.  
8           MR. MC CARTHY: -- do you have any objection.  
9           JUDGE RILEY: I'm going to have to check the  
10          rules. Yeah.  
11          MR. MC CARTHY: I don't know how it works,  
12          but -- you know. But we can do -- I can start  
13          the process fairly quickly.  
14          JUDGE RILEY: And this is going to be a  
15          subpoena to Com Ed.  
16          MR. MC CARTHY: And there will be a subpoena  
17          to Com Ed, I think, if that's the entity that  
18          they go by still.  
19                 Are they still Com Ed?  
20          JUDGE RILEY: And we are not going to try and  
21          subpoena either one of the Cernys, then, are we?  
22          Not at this point?

1           MR. MC CARTHY: I don't --

2           MR. OFFENBACH: I'm going to try to see

3           what -- I don't have a location.

4           MR. MC CARTHY: We could do that, but

5           we -- yeah, we first need to find them anyway.

6           So maybe a call would be nice. And then say

7           if -- you know, I think it probably would be

8           better to come from O'Donnell and see if

9           he -- but, you know, the problem is, what's he

10          going to have to prove where he was and is that

11          going to be something we are going to buy,

12          because, I don't know, you know, I mean --

13          JUDGE RILEY: Right.

14          MR. MC CARTHY: -- he's got every interest in

15          saying he wasn't there. There is no benefit to

16          him --

17          JUDGE RILEY: Correct.

18          MR. MC CARTHY: -- saying he was there.

19                 So I think the one problem with that

20          avenue is it's probably -- it's probably going to

21          lead to evidence that people will be suspicious

22          of, if anything. You know what I mean?

1 JUDGE RILEY: Right.

2 And you said that to subpoena the Social  
3 Security Administration records would be a  
4 inordinately long time?

5 MR. OFFENBACH: I think -- yeah. And I think  
6 we've got everything we need.

7 JUDGE RILEY: Okay.

8 MR. OFFENBACH: Social Security corresponds to  
9 the other information.

10 MR. MC CARTHY: We were simply trying to find  
11 out -- I don't know if we want to be on the  
12 record for this -- but simply trying to find out  
13 whether it would be fruitful to go to the Social  
14 Security Administration.

15 MR. OFFENBACH: Right.

16 JUDGE RILEY: Okay.

17 MR. MC CARTHY: And I think it won't be.

18 MR. OFFENBACH: Okay.

19 MR. MC CARTHY: Because he wouldn't tell me.  
20 He wouldn't tell me that it wasn't going to be  
21 fruitful. It's in your interest.

22 JUDGE RILEY: Now, this is going to be Peoples

1 Gas' subpoena; is that correct?

2 MR. MC CARTHY: I can do it --

3 JUDGE RILEY: Okay.

4 MR. MC CARTHY: -- yes, I mean, you know,  
5 given the fact that I probably have a form on my  
6 computer that I can modify and try and do it  
7 with.

8 JUDGE RILEY: Okay. And this is going to be  
9 for the purpose of establishing with Com Ed  
10 the -- that James Cerny was a customer --

11 MR. MC CARTHY: Yeah.

12 JUDGE RILEY: -- at this address at this time?

13 MR. MC CARTHY: Well, it will for a purpose of  
14 finding out who was their customer at that  
15 address --

16 JUDGE RILEY: I see.

17 MR. MC CARTHY: -- during a time period, I  
18 think would be the best way to ask it.

19 JUDGE RILEY: Right. Okay.

20 MR. MC CARTHY: We could probably keep it  
21 pretty simple. We just say --

22 JUDGE RILEY: Right.

1           MR. MC CARTHY:  -- who do you show as your  
2           customer of record during the involving period,  
3           and give the dates of their service.

4           MR. OFFENBACH:  Yeah.  And provide the address  
5           of -- and the billing information.

6           MR. MC CARTHY:  Do you want the billing?

7           MR. OFFENBACH:  It would be interesting to see  
8           it, because --

9           MR. MC CARTHY:  That's true.  Well, okay.

10          MR. OFFENBACH:  If they have it.

11          JUDGE RILEY:  And the time period, again, is  
12          February 2000 to October of 2001?  Is that what  
13          we are talking about?

14          MR. MC CARTHY:  Right.  Right.

15          JUDGE RILEY:  Okay.

16          MR. MC CARTHY:  Well, I'll actually ask him up  
17          to 2002, because that will help buttress what we  
18          have been talking about.

19          JUDGE RILEY:  Okay.  And that's at 5729 West  
20          Addison on the first floor; is that --

21          MR. OFFENBACH:  Correct.

22          MR. MC CARTHY:  Yes.

1 JUDGE RILEY: Okay.

2 MR. MC CARTHY: Yeah.

3 JUDGE RILEY: And that's just the step that  
4 you are going to take, now, then; is that my  
5 understanding?

6 MR. MC CARTHY: Yeah.

7 JUDGE RILEY: Okay.

8 MR. MC CARTHY: And then after that, I don't  
9 know.

10 JUDGE RILEY: Well, we will have to see what  
11 else is available, if anything.

12 MR. MC CARTHY: I mean, yeah, the one way we  
13 tend to look at this, honestly, is that we know  
14 she was the owner. There is not clear evidence  
15 there was somebody else in there.

16 JUDGE RILEY: Right.

17 MR. MC CARTHY: So if we can't find something,  
18 we proceed and we ask her to find out.

19 JUDGE RILEY: I see.

20 MR. MC CARTHY: It's her building --

21 JUDGE RILEY: All right.

22 MR. MC CARTHY: -- you know. If you feel you



1       have a claim against somebody because they took  
2       gas service --

3       JUDGE RILEY:   All right.

4       MR. MC CARTHY:  -- and you had to pay for  
5       it --

6       JUDGE RILEY:   Now --

7       MR. MC CARTHY:  -- I'm sure that's a cause of  
8       action.

9       JUDGE RILEY:   -- is it Peoples policy  
10      that -- that if you are able to clearly establish  
11      to your own satisfaction that this individual did  
12      live in those premises during the time in  
13      question, would Peoples -- is it -- would it be  
14      Peoples Gas' policy to pursue that individual --

15      MR. MC CARTHY:  Generally --

16      JUDGE RILEY:   -- for the outstanding amount?

17      MR. MC CARTHY:  -- yeah.  I don't know how  
18      much -- you know, I don't know what they will do.  
19      But they take -- for purposes of this complaint,  
20      they may take it out of her name.

21      JUDGE RILEY:   Okay.

22      MR. MC CARTHY:  Now, it's always up to my

1 business people's discretion.

2 JUDGE RILEY: Right.

3 MR. MC CARTHY: So I -- and I wouldn't say  
4 there is a written policy on that. It's always  
5 been --

6 JUDGE RILEY: Right.

7 MR. MC CARTHY: -- a tough issue about -- we'd  
8 like to read the rule, and we think the rule  
9 reads that anybody who benefits is jointly and  
10 separately liable --

11 JUDGE RILEY: Okay.

12 MR. MC CARTHY: -- and sometimes the landlord  
13 benefits and the tenant benefits --

14 JUDGE RILEY: All right.

15 MR. MC CARTHY: -- and so we sometimes feel  
16 that we can go after both.

17 JUDGE RILEY: All right.

18 MR. MC CARTHY: But I'm willing to, you know,  
19 press if I can, if I can get information.

20 JUDGE RILEY: And, Counsel, it's  
21 your -- obviously, your position that the  
22 land- -- that the owner did not benefit the,

1 complainant didn't benefit, because the  
2 complainant was living --

3 MR. OFFENBACH: Absolutely.

4 JUDGE RILEY: -- out of state at the time.

5 MR. OFFENBACH: Right.

6 JUDGE RILEY: Okay.

7 MR. MC CARTHY: But the building benefited.

8 MR. OFFENBACH: Well, I don't think the  
9 building benefited if there was a tenant there,  
10 and there was a tenant all the time.

11 JUDGE RILEY: Okay.

12 MR. OFFENBACH: That's our position, of  
13 course.

14 JUDGE RILEY: Well, then, that's the procedure  
15 that's going to follow now, is to get the  
16 subpoena issued.

17 MR. MC CARTHY: Yeah.

18 JUDGE RILEY: Prepared and issued.

19 MR. MC CARTHY: Yeah. I think that would make  
20 sense.

21 JUDGE RILEY: And see what Com Ed's records  
22 say.

1           MR. MC CARTHY:   Okay.

2                       So I'll start that ball rolling as soon

3   as I can.

4                       Maybe we set a date 45 days out and see

5   what happens.

6           MR. OFFENBACH:   That would be fine.

7           JUDGE RILEY:    I was going to say, yeah.

8           MR. MC CARTHY:   Because we will need at least

9   a month for --

10          JUDGE RILEY:    All right.

11                       Well, let me see.   Today is the 18th.

12   We are talking October, then.

13          MR. MC CARTHY:   Yeah.

14          JUDGE RILEY:    How about if we get back

15   together -- how about October 7th at 11:00

16   o'clock?   Does that look good?

17          MR. MC CARTHY:   What was the date again?

18   October 7th?

19          JUDGE RILEY:    October 7.

20          MR. OFFENBACH:   When is the Jewish holiday?

21   Do you have it?

22          JUDGE RILEY:    I do.   And there is --

1           MR. OFFENBACH:  There should be one week --

2           JUDGE RILEY:  S-u-c-c-o-t-h, Succoth?

3           MR. OFFENBACH:  Oh, no.  I don't worry about

4           that one.

5                        That was when you eat in booths.  It's

6           really -- you eat in a booth outside.

7           JUDGE RILEY:  Rosh Hashanah is the 27th.

8           MR. OFFENBACH:  Right.  And then about a week

9           later.  It should be -- what's the next week?

10          JUDGE RILEY:  Oh, Yom Kippur is the 6th.

11                       Off the record.

12                               (Whereupon, a discussion was

13                               had off the record.)

14          JUDGE RILEY:  Let's go back on.

15                       It's been agreed that Peoples Gas is

16           going to prepare a subpoena for Com Ed to try to

17           establish who the customer of record was at that

18           address during February 2000 to October 2001.

19                       And we have agreed that we will give

20           this approximately six weeks, and we will

21           reconvene, then, on Thursday, October 9 at

22           10:00 a.m., and we will see where we are at that

1 point and what more needs to be done.

2 MR. MC CARTHY: Great.

3 JUDGE RILEY: Was there anything further?

4 MR. MC CARTHY: No.

5 MR. OFFENBACH: No.

6 JUDGE RILEY: All right. Then we are

7 continued.

8 Thank you.

9 MR. MC CARTHY: Thank you.

10 MR. OFFENBACH: Thank you.

11 JUDGE RILEY: Okay.

12 (Whereupon, the above-entitled matter

13 was continued to October

14 9, A.D., 2003, at 10:00

15 o'clock a.m.)

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